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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,507	01/17/2006	Igor Pereverzev	19339-100309	3456
7590	12/27/2007			
Robein W Asher Clark Hill 500 Woodward Avenue Suite 3500 Detroit, MI 48226-3435			EXAMINER FULTON, KRISTINA ROSE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/522,507	PEREVERZEV, IGOR
	Examiner	Art Unit
	Kristina R. Gluchowski	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

On page two of the written description, US Patent 6328353 is referenced. The patent is not listed on the IDS nor is applicant Pereverzev listed as one of the applicant's on US Patent 6328353. Appropriate clarification and correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1, line 10, there is a lack of antecedent basis for "said release mechanism".

5. Regarding claim 3, a slot is already claimed in claim 1. It is unclear if applicant desires a second slot of if claim 3 is referencing the slot of claim 1.

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6. Claims 2 and 4-5 are rejected based on their dependency on claims 1 and 3. The claims have been interpreted "as best understood".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

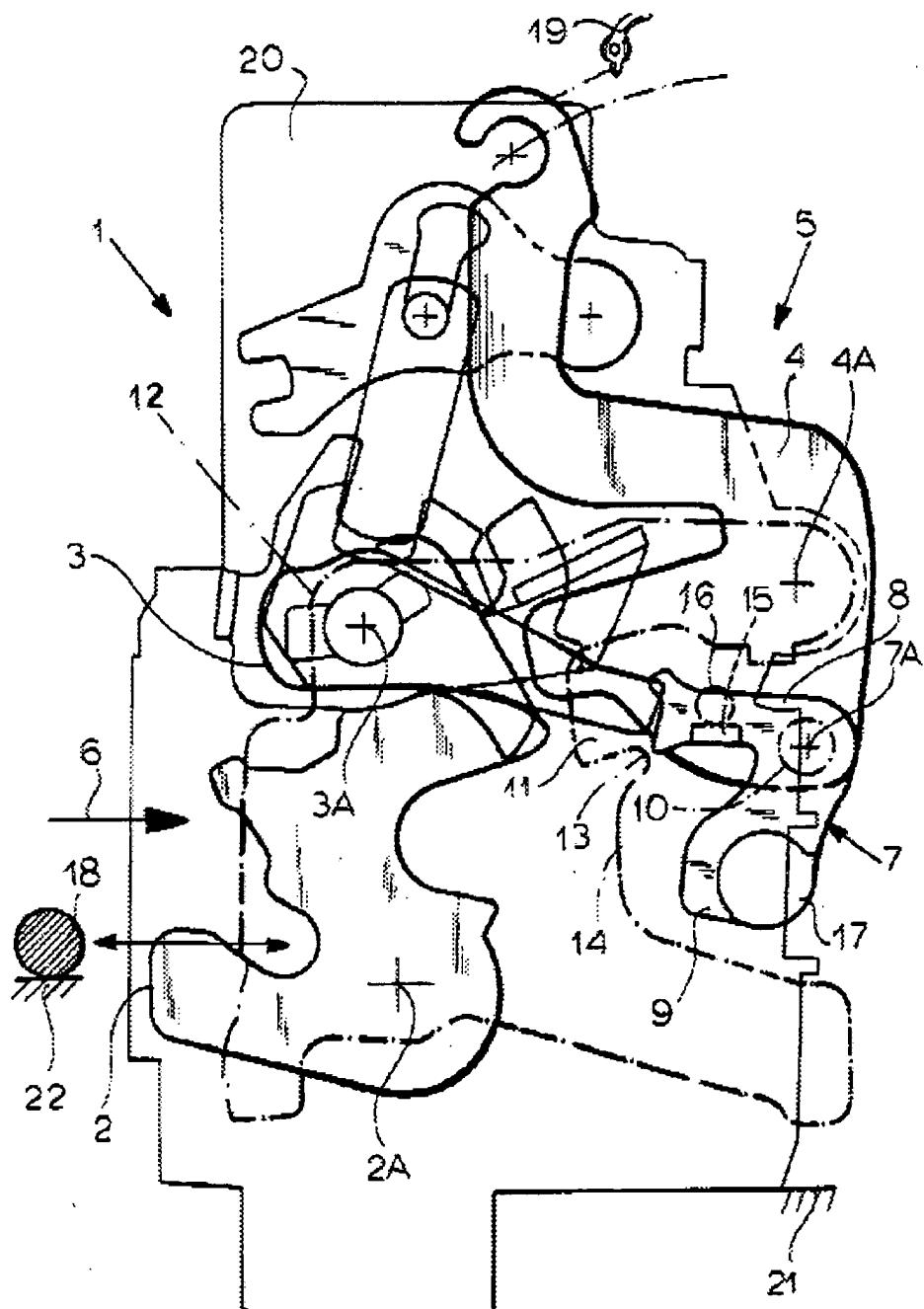
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buschmann (US 5865481) in view of Cetnar (US 5899508).

10. Regarding claim 1, "as best understood", Buschmann shows a latch mechanism for selectively latching a door to an automotive vehicle, said latch mechanism comprising a latch hook (2) movable between a locked position and an unlocked position; a release lever (4) operatively coupled to said latch hook for selectively moving said latch hook between said locked and unlocked positions; and an inertia lever (7) engageable with said release lever to prevent movement of said latch hook between

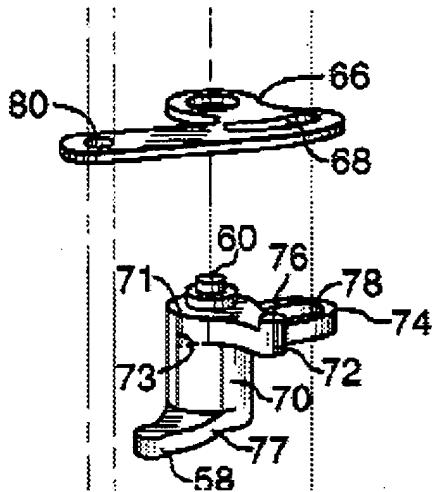
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said latched and unlocked positions, said inertia lever movably supported within said latch mechanism for moving in and out of engagement with said release lever in response to a side impact upon the vehicle (column 3, lines 35-40); wherein said release lever includes a component (16) and the inertia lever includes a portion (15) for engaging the component (16). See the Buschmann device below.



11. Although Buschmann shows applicant's basic inventive concept, the component (16) of Buschmann is not a slot. Cetnar shows that it is very well known in the vehicle latch art to include a tab and slot engagement. Cetnar shows that tab (76) is received in slot (68). It would have been obvious to one of ordinary skill in the art to replace the

component (16) of Buschmann with the slot (68) of Cetnar in order to assure proper alignment of the levers throughout complete motion of the inertia lever relative to the actuation lever. See the Cetnar device below.



12. Regarding claim 2, Buschmann including means for biasing (10) said inertia lever to a first position out of engagement with said release lever.
13. Regarding claim 3, Buschmann shows the inertia lever includes a tab (15).
14. Regarding claim 4, Buschmann shows the inertia lever moves to a second position upon side impact to the vehicle.
15. Regarding claim 5, Buschmann shows the inertia lever is pivotally mounted (7a) within said latch mechanism.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drysdale (US 20060103138), Cetnar (US 20060261603), Jankowski (US 2006/0261602).

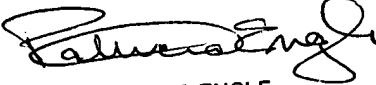
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG *[Signature]*
December 20, 2007



PATRICIA ENGLE
SUPERVISORY PATENT EXAMINER
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